

**AM2014/255**

**Exposure Draft of the Airport Employees Award 2016 [MA49]**

**Response of the Australian Manufacturing Workers' Union (AMWU)**

1. The AMWU refers to paragraphs [116] to [167] inclusive of the full bench decision of 21<sup>st</sup> March, 2018 concerning the four yearly review of modern awards – Group 4 awards ([2018] FWCFB 1548). The subject paragraphs concerned the Airport Employees Award 2010.
2. The AMWU supports the provisional views expressed by the full bench within the subject paragraphs, and otherwise comments below.

*Items 1 and 16 – Standard Rate*

3. At paragraph [121] of its decision, the full bench identified a question asked of parties in the exposure draft. Part of that question was whether “the percentages in clause C.1 [should be] recalibrated”.
4. At paragraph [124], the full bench advised of its intention to vary the text in clause C.1, a variation that the AMWU supports. The bench, however, made no mention of any consequent recalibration of the percentages in that clause.
5. The change in the divisor in clause C.1 necessitates minor changes in some of the percentages specified in the column headed “% of standard rate” in the clause’s table. As one example only, the percentage shown against the plumbers’ registration allowance should increase from 3.90% to 3.91%.

*Item 3 - Breaks*

6. At paragraph [132] of its decision, the full bench invited parties to comment on whether any amendment to clause 18.1 of the exposure draft is needed to provide clarity.
7. The AMWU suggests that a new second sentence be added to clause 18.1, such sentence to read:

“Such meal breaks will count as time worked for shiftworkers but not for day workers.”

8. Clause 17.3(d) and the first sentence of clause 18.2 of the exposure draft are inconsistent. If the change to clause 18.1 suggested in paragraph 7 above is made, clause 17.3(d) of the exposure draft could be deleted. In any event, it seems to attach exclusively to shifts of more than 10 but no more than 12 hours in the extant award – see that award’s clause 27.3(c)(iii).

*Item 15 – Rostered Day Off Falling on a Public Holiday*

9. At paragraph [164] of its decision, the full bench asked parties whether they seek any variation to clause 27.8 of the exposure draft in order to provide clarity in interpretation and it suggested the terms of one possible variation.
10. The AMWU respectfully suggests that a simpler variation than that suggested by the bench would answer the question originally posed by the Commission in its exposure draft, viz “whether this payment is in addition to payment for the public holiday”.
11. The AMWU proposes that the following words be added at the end of clause 27.8(b):  
“... in addition to payment for the public holiday”.

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